



## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

*Summary:* In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*1. Title and purpose of information collection:* Railroad Service and Compensation Reports/System Access Application; OMB 3220-0008.

Under Section 9 of the Railroad Retirement Act (RRA) (45 U.S.C. 231h) and Section 6 of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 356), the Railroad Retirement Board (RRB) maintains for each railroad employee, a record of compensation paid to that employee by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and amount of, benefits due under the laws it administers, is conclusive as to the amount of compensation paid to an employee during such period(s) covered by the report(s) of the compensation by the employee's railroad employer(s), except in cases when an employee files a protest pertaining to his or her reported compensation within the statute of limitations cited in Section 9 of the RRA and Section 6 of the RUIA.

To enable the RRB to establish and maintain the record of compensation, employers are required to file with the RRB, reports of their employees' compensation, in such manner and form and at

such times as the RRB prescribes. Railroad employers' reports and responsibilities are prescribed in 20 CFR 209. The RRB currently utilizes Form BA-3, *Annual Report of Creditable Compensation*, and Form BA-4, *Report of Creditable Compensation Adjustments*, to secure the required information from railroad employers. Form BA-3 provides the RRB with information regarding annual creditable service and compensation for each individual who worked for a railroad employer covered by the RRA and RUIA in a given year. Form BA-4 provides for the adjustment of any previously submitted reports and also the opportunity to provide any service and compensation that had been previously omitted. Requirements specific to Forms BA-3 and BA-4 are prescribed in 20 CFR 209.8 and 209.9.

Employers currently have the option of submitting BA-3 and BA-4 reports electronically by CD-ROM, secure Email, File Transfer Protocol (FTP), or online via the RRB's Employer Reporting System (ERS).

The information collection also includes RRB Form BA-12, Application for Employer Reporting Internet Access, and Form G-440, Report Specifications Sheet. Form BA-12 is completed by railroad employers to obtain system access to ERS. Once access is obtained, authorized employees may submit reporting forms online to the RRB. The form determines what degree of access (view/only, data entry/modification or approval/submission) is appropriate for that employee. It is also used to terminate an employee's access to ERS. Form G-440, Report Specifications Sheet, serves as a certification document for Forms BA-3 and BA-4 as well as other RRB employer reporting forms (Form BA-6a, BA-6 Address Report (OMB 3220-0005), Form BA-9, Report of Separation Allowance or Severance Pay (OMB 3220-0173) and Form BA-11, Report of Gross Earnings (OMB 3220-0132). It records the type of medium the report was submitted on, and serves as a summary recapitulation sheet for reports filed on paper. **The RRB proposes no changes to Forms BA-3 (Internet), BA-4 (Internet), BA-12, and G-440. The RRB proposes to remove Form BA-3 (Paper) and BA-4 (Paper) from the Information Collection due to less than 10 responses per year.**

## Estimate of Annual Respondent Burden

### Current Burden

Reporting	Responses	Time (minutes)	Burden (Hours)
<b>BA-3</b>			
Electronic Media <u>2</u> /	96	46.25 (2,775 min)	4,440
BA-3 (Internet)	617	46.25 (2,775 min)	28,536
<b>Total BA-3</b>	<b>713</b>		<b>32,976</b>
<b>BA-4</b>			
Electronic Media <u>2</u> /	355	1.00 (60 min)	355
BA-4 (Internet)	3,942	.33 (20 min)	1,314
<b>Total BA-4</b>	<b>4,297</b>		<b>1,669</b>
<b>BA-12</b>			
Initial Access	295	.33 (20 min)	98
Access Termination	38	.166 (10 min)	7
<b>Total BA-12</b>	<b>333</b>		<b>105</b>
<b>G-440 (certification)</b>			
Form BA-3 (no employees)	19	.25 (15 min)	5
Form BA-11 (no employees)	60	.25 (15 min)	15
Paper forms (without recap)	7	.25 (15 min)	1
Form BA-15	600	.25 (15 min)	150
Electronic transactions	94	.50 (30 min)	47
BA-3 and BA-4 (with recap)	125	1.25 (75 min)	156
<b>Total G-440</b>	<b>905</b>		<b>374</b>
<b>Grand Total</b>	<b>6,248</b>		<b>35,194</b>

### 2. Evidence for Application of Overall Minimum: OMB 3220-0083.

Under Section 3(f)(2) of the Railroad Retirement Act (RRA) (45 U.S.C. 231b), the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount which would be payable if the employee's railroad service had been covered by the Social Security Act. This is referred to as the Social Security Overall Minimum Guarantee, which is prescribed in 20 CFR 229. To administer this provision, the Railroad Retirement Board (RRB) requires information about a retired employee's spouse and child(ren) who would not be eligible for benefits under the RRA but would be eligible for benefits under the Social Security Act if the employee's railroad service had been covered by that Act. The RRB obtains the required information by the use of Forms G-319, Statement Regarding Family and Earnings for Special Guaranty Computation, and G-320, Student Questionnaire for Special Guaranty Computation. One response is required of each respondent. Completion is required to obtain or retain benefits.

**The RRB proposes no changes to Forms G-319 and G-320.**

Estimate of Annual Respondent Burden

**Current Burden**

Form Number	Annual Responses	Time (Minutes)	Burden (Hours)
G-319 (completed by the employee)			
With assistance	5	26	2
Without assistance	230	55	211
G-319 (completed by spouse)			
With assistance	5	30	2
Without assistance	10	60	10
G-320 (Age 18 at Special Guaranty Begin Date or Special Guaranty Age 18 Attainments)	30	15	7
G-320 (Student Monitoring done in Sept, March and at end of school year)	10	15	2
<b>Total</b>	290		234

*3. Title and purpose of information collection: Gross Earnings Report; OMB 3220-0132.*

In order to carry out the financial interchange provisions of Section 7(c)(2) of the Railroad Retirement Act (RRA) (45 U.S.C. 231f), the RRB obtains annually from railroad employer's the gross earnings for their employees on a one-percent basis, i.e., 1% of each employer's railroad employees. The gross earnings sample is based on the earnings of employees whose social security numbers end with the digits "30." The gross earnings are used to compute payroll taxes under the financial interchange.

The gross earnings information is essential in determining the tax amounts involved in the financial interchange with the Social Security Administration and Centers for Medicare & Medicaid Services. Besides being necessary for current financial interchange calculations, the gross earnings file tabulations are also an integral part of the data needed to estimate future tax income and corresponding financial interchange amounts. These estimates are made for internal use and to satisfy requests from other government agencies and interested groups. In addition, cash flow projections of the social security equivalent benefit account, railroad retirement account and

cost estimates made for proposed amendments to laws administered by the RRB are dependent on input developed from the information collection.

The RRB utilizes Form BA-11 to obtain gross earnings information from railroad employers. Employers have the option of preparing and submitting BA-11 reports online via the RRB's Employer Reporting System or on paper (or in like format) by File Transfer Protocol (FTP) or secure Email. The online BA-11 includes the option to file a "negative report" (no employees, or no employees with the digits "30"). Completion is mandatory. One response is requested of each respondent. **The RRB proposes no changes to Form BA-11.**

Estimate of Annual Respondent Burden

Form Number	Annual Responses	Time (Minutes)	Burden(Hours)
BA-11 CD-ROM	0	30	0
BA-11 File Transfer Protocol	11	300	55
BA-11 Secure Email	0	30	0
BA-11 (Internet) – Positive	154	30	77
BA-11 (Internet) – Negative	424	15	106
<b>Total</b>	<b>589</b>		<b>238</b>

*Additional Information or Comments:* To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Kennisha Tucker at (312) 469-2591 or [Kennisha.Tucker@rrb.gov](mailto:Kennisha.Tucker@rrb.gov). Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-1275 or emailed to [Brian.Foster@rrb.gov](mailto:Brian.Foster@rrb.gov). Written comments should be received within 60 days of this notice.

**Brian D. Foster,**

*Clearance Officer.*

